

## **Remarks**

### **Status of the Claims**

Claims 1-15 are pending in the application. All claims stand rejected. By this paper, independent claim 1 has been amended. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Claim Rejections – 35 U.S.C. §§ 102(b),(e) and 103(a)**

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious by, U.S. Patent No. 5,149,327 to Oshiyama (“Oshiyama”), U.S. Patent No. 5,114,408 to Fleischhaker, *et al.* (“Fleischhaker”), and further in view of U.S. Patent No. 6,569,125 to Jepson, *et al.* (“Jepson”). Applicant has amended independent claim 1 to clarify the differences between the claimed invention and the cited references. Additionally, claims 5 and 9 have been amended to address rejections under 35 U.S.C. 112 and objections to claim informalities which were raised by the Examiner.

Applicants respectfully submit that claim 1 as amended distinguishes over the teachings of Oshiyama, Fleishchhaker, and Jepson. In particular, these cited references do not teach, “a closure member...wherein the protrusion of the second surface of the core section is tapered so that its diameter is larger at its proximal extent than at its distal extent and such that the walls of the protrusion do not contact the walls of the longitudinal passage of the connector when the closure member is not engaged by a tubular member.” Additionally, the cited references do not teach a,

“passage slit having a larger extent at the first surface than the second surface such that the smaller extent of the passage slit is positioned in the concave portion at the first surface and a larger extent of the second surface is associated with the tapered protrusion on the second surface of the core section.”

The cited references teach a hemostatic valve capable of sealing and allowing the passage of catheters but fail to teach a closure for a valve of a connector having the advantages and structure of the claimed invention. For example, Fleishchhaker teaches a hemostasis valve having a relatively small opening in the sealing neck and a slit concave exit base. However, the teaching of Fleishchhaker is contrary to the teachings of the present invention. Fleishachhaker teaches that, “By virtue of the concave nature of the exit face (4) and the fact that the edges of the exit face are in contact with the walls of the valve housing, there is added pressure to maintain the slit valve in the closed position” See Fleishchhaker col. 4, lines 53-57. In fact, Fleishchhaker teaches, “the slit (14) is contained in the concave exit face (4) which preferably is maintained in contact with the walls of the valve housing (3).” The design of Fleishchhaker is contrary to the amended claims. Claim 1 as amended recites, “wherein the protrusion of the second surface of the core section is tapered so that its diameter is larger at its proximal extent than at its distal extent and such that the walls of the protrusion do not contact the walls of the longitudinal passage of the connector when the closure member is not engaged by the tubular member.”

Oshiyama and Jepson also fail to teach a closure for a valve having a protrusion of the second surface of the core section which is tapered so that its diameter is larger at its proximal extent than at its distal extent and where the walls of

the protrusion do not contact the walls of the longitudinal passage of the connector when the closure member is not engaged by a tubular member. Additionally Oshiyama and Jepson fail to disclose or suggest a passage slit having a larger extent at the first surface than the second surface where the smaller extent of the passage slit is positioned in the concave portion at the first surface and a larger extent of the second surface is associated with the tapered protrusion on the second surface of the core section. Because Fleishchhaker, Oshiyama and Jepson fail to teach or suggest a closure for a valve having the advantages and structure of the claimed invention, claim 1 and the dependent claims depending therefrom should be in condition for allowance.

Provisional Double Patenting Rejection

In the Office Action, the Examiner raised an obviousness type double patenting rejection of Claims 1-15. Applicant acknowledges the provisional rejection and agrees to address the double patenting rejection by terminal disclaimer or other appropriate mechanism in the event the claims of copending Application No. 10/560,806 are found to be otherwise allowable.

Conclusion

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

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